

COUNCILLOR AGENDA REQUEST - CUMULATIVE IMPACT ZONE

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Paul Holliday, Principal Licensing Officer
Wards affected:	(All Wards);
Urgent Decision? (yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	Appendix 1 - Councillor agenda item request Appendix 2 - Updated Statement of Policy

Summary

Consideration of a Councillor's request to add an agenda item *"To explore and review the necessary work for a Cumulative Impact Zone regarding licensed premises in Epsom Town Centre."*

Recommendation (s)

The Committee is asked to:

- (1) Consider the agenda item in accordance with the Council's Constitution.
- (2) Endorse the officer recommendation that no action should be taken following consideration of this report.

1 Reason for Recommendation

1.1 On 24 April 2026 Councillor Coley requested in accordance with [Appendix 5 - 3.4 of the Constitution](#) that an item be placed on the agenda for the next scheduled Licensing & Planning Policy Committee, *"To explore and review the necessary work for a Cumulative Impact Zone regarding licensed premises in Epsom Town Centre."* A copy of this e-mail is attached as Appendix 1.

1.2 The body of this report sets out the reasons for recommendation (2).

2 Background

2.1 The Licensing Act 2003 ('the Act') governs the sale and supply of alcohol in England and Wales. The Act has four licensing objectives:

- the prevention of crime and disorder

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- public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.2 Under the Act, licensing authorities have responsibility for issuing premises licences and club premises certificates authorising the sale of alcohol.
- 2.3 [Section 5 of the Act](#) requires a licensing authority to publish a statement of its licensing policy at least every five years. A policy must summarise any Cumulative Impact Assessment (CIA) the authority has published under section 5A.
- 2.4 The purpose of a CIA is to help the authority limit the licences that it grants in areas where there is evidence to show that the number or density of licensed premises may be contributing to problems that are undermining the licensing objectives. The evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions. However, it does not change the fundamental way that decisions are made under the Act, i.e. applications must be granted as applied for if no representation is received, and each application must be considered on its individual merits.
- 2.5 To date this Licensing Authority has not published a CIA. Section 5A of the Act sets out what a licensing authority needs to do to publish a CIA. Chapter 14 of [Home Office guidance on the Act](#) provides further detail.
- 2.6 After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. If the licensing authority is of the opinion that the CIA remains necessary, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion (i.e. a CIA is time limited and must be kept under review).
- 2.7 Following a 12-week public consultation, on 10 March 2026 the Licensing and Planning Policy Committee ('LPPC') recommended Council adopt an updated Statement of Policy under the Act. The report and minutes of this meeting are available on the [Council's website](#). A copy of the updated Policy is attached at Appendix 2.
- 2.8 The updated Statement of Policy states at Para 8.1 that; -

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'...at present, it is not appropriate for any area of the Borough to be covered by a special policy on cumulative impact ...There is therefore no special policy creating a rebuttable presumption that applications within a particular area of the Borough for new premises licences or club premises certificates will normally be refused, if relevant representations are received.'

- 2.9 As an alternative the updated Statement of Policy includes a 'Special Stress Area Policy'. At Para 8.2 the Policy states that; -

'...Epsom town centre is deemed an area of special concern in terms of the level of crime and disorder, particularly at night, and is recommended for further monitoring and detailed guidance as set out in the Special Stress Area ('SSA') section in Part C. New and varied applications for late night premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make fulsome, written positive proposals to ensure that their operation will not add to the problems faced in these areas....

...On receipt of any application in the SSA, where a relevant representation has been made, the Licensing Authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix 6 [of the Statement of Policy], Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short in considering appropriate measures may be refused or conditions applied to comply with policy measures...'

- 2.10 The LPPC recommendation to adopt the Policy (following the statutory consultations and amendments being made in light of consultation responses received) is due to be considered by Council on 21 July 2026.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 There are no equality implications arising from this report

3.2 Prevention of Crime & Disorder/Protecting Children from Harm/Prevention of Public Nuisance/Public Safety

3.2.1 The four licensing objectives are central to the proposed Statement of Policy and ensure that the Council as Licensing Authority fulfils its statutory duties.

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3.2.2 The updated Policy aims to strike a balance between the needs of residents and visitors for a safe and healthy environment and the importance of prosperous and well-run entertainment, recreational and cultural premises to the local economy and vibrancy of the town centres and Borough as a whole.

4 Financial Implications

4.1 CIA must include sufficiently detailed evidence and analysis to withstand a possible legal challenge and represents a significant resource demand.

No Surrey District or Borough currently publishes a CIA. Examples of the nearest Licensing Authorities with CIA are; -

- Croydon Council, [Statement of licensing policy 2023-28](#), see p 8-11 and Appendix 2
- Merton Council, [Cumulative impact policy 2024-2027](#) (PDF)

4.2 Officers are actively undertaking additional work as a result of the Local Government Reorganisation, and there is no capacity to undertake a Cumulative Impact Assessment within existing resources. It shall then be a consideration for East Surrey Council whether or not to review this position within the Epsom Town area post April 2027, see Paragraphs 6.7 and 6.8

4.3 In December 2023 an overview costing (i.e. non-binding) was obtained from an external CIA provider, estimating a project cost of £21,300.

4.4 Additional expenditure resulting from a CIA is not budgeted for nor contained with existing service budgets.

4.5 **Section 151 Officer's comments:** As explained in paragraph 4.2 the Council does not have capacity within the officer team to undertake a Cumulative Impact Assessment during the current financial year. Should the decision be taken to complete a CIA before 31/03/2027, a report would need to be taken to Strategy & Resources Committee to request the funding necessary to cover the costs of an external provider undertaking the work, as the Licensing budget does not have provision for this.

5 Legal Implications

5.1 There is no legal requirement to publish a CIA.

5.2 Both the publishing of a CIA and any decisions resulting from a CIA may be challenged legally, by either judicial review or an appeal respectively. Cumulative Impact Assessment Policies must be evidenced based and proportionate to withstand legal challenge. A successful legal challenge would likely result in significant legal costs and reputational damage to the Council.

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5.3 There is a lack of evidence in support of publishing a CIA, as follows; -

- The recent 12-week public consultation for the Licensing Act Policy review did not provide evidence that crime and disorder or nuisance is being caused by the customers of licensed premises, or that cumulative impact is imminent.
- We received a total of four responses to the consultation, none of which gave any indication a CIA was necessary.
- During the consultation we liaised with a Surrey Police data analyst, and the local police licensing officer, neither of whom gave evidence that would support a CIA.
- In March the LPPC agreed a revised licensing Statement of Policy, which includes a 'Special Stress Area' policy ('SSA policy') for Epsom Town Centre. Legal advice at the time was that based on the evidence available it was not possible to have a more restrictive licensing policy.
- The LPPC recommendation to adopt the updated policy is due to be considered by Council in July. The new SSA policy replaces the previous 'Zoning' policy for the town centre. The new SSA policy represents a toughening of the Council's current licensing Policy, and it has not yet been possible to measure its effectiveness, as it has not yet been implemented. Replacing the SSA with a CIA in the short term, without evidence that it is urgently necessary, may appear disproportionate and open to legal challenge. This risk will reduce over time, and as stated under Para 8.5 of the Policy, the need for a CIA will be kept under review.
- A CIA may appear disproportionate given the absence of any formal proceedings being instigated against licensed premises in the Epsom Town Centre area in the last five years: -
 - Number of closure orders issued to licensed premises by the police as the result of serious concerns of crime and disorder: zero
 - Number of summary licence reviews applied for by the police: zero
 - Number of licence reviews applied for: zero
 - Number of prosecutions/cautions issued by the police in relation to licensing offences under the Licensing Act 2003: zero
 - Number of prosecutions/cautions being issued by the Licensing Authority: zero (In the last three years we have recorded service requests the Licensing Department has only received seven complaints with respect to licensed premises in the Epsom Town Centre).

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5.4 As noted above, there is a formal process to be followed before publishing a Cumulative Impact Assessment (CIA), the Council must have sufficient evidence and have consulted various persons listed in 5 (3) of the Act, including:

- The Chief Officer of police,
- Fire and Rescue Authority for that area,
- Local Health Board for an area any part of which is in the Authority's area,
- each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

5.5 The Statutory Guidance issued under section 182 of the Act (the Guidance) indicates at Paragraphs 14.29 & 14.30 that; -

“Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA.

...Information which licensing authorities may be able to draw on includes:

- *local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;*
- *statistics on local anti-social behaviour offences;*
- *health-related statistics such as alcohol-related emergency attendances and hospital admissions;*
- *environmental health complaints, particularly in relation to litter and noise;*
- *complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;*

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- *residents' questionnaires;*
- *evidence from local and parish councillors; and*
- *evidence obtained through local consultation.*

14.30 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- *trends in licence applications, particularly trends in applications by types of premises and terminal hours;*
- *changes in terminal hours of premises;*
- *premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times."*

- 5.6 It should be considered whether the gathering and consideration of the volume of evidence suggested by the Guidance is overly time consuming and burdensome considering the relatively small number of complaints, reviews and prosecutions identified in the report.
- 5.7 Members may also consider it relevant that the Borough is already covered by a Public Spaces Protection Order.
- 5.8 Further, members should be aware of the relatively new [National Licensing Framework](#) published in November 2025 ('the Framework'). The Framework is advisory rather than binding but is a document that licensing authorities should take into account as guidance.
- 5.9 The Framework encourages licensing authorities to take a more proportionate and business-friendly approach and support economic growth, investment, extended customer choice along with better regulation (whilst adhering to the four core licensing objectives).
- 5.10 **Legal Officer's comments:**
- 5.11 Any relevant comments are contained within the body of this report.
- 5.12 Members are reminded that any recommendation proposed by way of a motion after consideration of this agenda item must relate to the subject matter of both the request and the report as produced and published.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

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- Opportunity & Prosperity: Boosting the local economy, supporting high streets

The updated Statement of Policy is due to be adopted by Council on 21 July 2026. By making licensing predictable and proportionate, the updated Statement of Policy will support the Council's stated aim of encouraging enterprise by boosting local economies and support local communities and creating good jobs. A quick change in licensing policy, without credible evidence that it is urgently necessary, could undermine business investment and stifle growth. See Para 6.8 in relation to the possible timeline for revisiting this issue.

- A more restrictive policy has cost implications for businesses. Nationwide, hospitality businesses are struggling due to a variety of economic and social changes. Relevant commentary regarding the Framework are noted within the legal implications section of this report.

Epsom Town Centre hospitality businesses have additionally recently had customer numbers negatively affected by high profile negative social media attention resulting from an allegation of serious sexual assault in the area, that was found to be unsubstantiated. As a direct response to this, the licensed premises forming Epsom Pubwatch are considering applying for [Best Bar None](#) accreditation with the aim of providing extra assurance to patrons that they are in safe hands when visiting Epsom. The Committee may want to consider a statement to Epsom Pubwatch, supporting the ambition of local hospitality businesses in making such a commitment to excellence in safety, customer service, and responsible alcohol management practices.

- Safe & Well: Ensuring a safe environment and supporting community health.

The update Statement of Policy states at Para. 8.5; -

'The Licensing Authority will keep the need for a special cumulative impact policy, a [Special Stress Area] policy...under review. Should the authority find that problems of crime and disorder are not improving, or are worsening, the Statement of Policy will be reviewed.'

- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None
- 6.4 **Sustainability Policy & Community Safety Implications:** None

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- 6.5 **Partnerships:** None
- 6.6 **Local Government Reorganisation Implications:** As a result of the Local Government Reorganisation, shadow authorities should make reasonable efforts to prepare a new Statement of Licensing policy, but if this is not completed before 1 April 2027, then they must be completed by 31 March 2029. Between 1 April 2027 and 31 March 2029 the previous policy that had been adopted by the predecessor authority and applied to that area will continue to remain applicable.
- 6.7 Due to the increased workload on officers resulting from preparations for the Local Government Reorganisation, it is highly unlikely Epsom & Ewell Borough Council would be able to publish a CIA and update and consult on our Statement of Licensing Policy to reflect the findings of the CIA before 1 April 2027, unless evidence was available that the Council's Licensing Team took the view that it clearly identified an urgent need to do so. That is not their current view as explained earlier in this report.
- 6.8 The Committee may want to consider whether it would better serve residents and visitors to Epsom Town Centre by agreeing that officers should continue to gather crime and disorder and nuisance statistics for Epsom Town Centre so they may review the need for a CIA, and the full evidence gathering and consultation involved in adopting a CIA, when the Statement of Policy is reviewed, after April 2027 and no later than 31 March 2029.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- [10 March 2026 LPPC](#) - recommendation for Council to adopt policy
- [23 September 2025 LPPC](#) – agreement to consult on draft policy

Other papers:

- [Guidance issued under section 182 of the Licensing Act 2003](#) published February 2026
- [National Licensing Framework](#) published November 2025